

CITY COUNCIL MINUTES
June 25, 2007
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, June 25, 2007, immediately following the 5:00 p.m. Closed Session, with Mayor Robert Snyder presiding and City Clerk Joseph G. R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL

Council Members Present: Presiding Officer Pro-tem Holmes, Hanley, Powers, Snyder (arrived 5:40 p.m., absent for roll call)

Council Members Absent: Keith Nesbitt

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Administrative Manager Joanna Belanger, Transit Analyst Megan Siren, Public Works Director Jack Warren, Administrative Services/Finance Directory Andy Heath, Airport Manager Jerry Martin, Police Chief Valerie Harris.

By **MOTION** adjourn to a closed session under Government Code Section 54957:6 **Holmes/Hanley/Approved without objection**

(1) **CONFERENCE WITH LABOR NEGOTIATORS**

Agency Designated Representatives: David Mackowiak, Robert Richardson

Employee Organization: Police Officers Association

(2) **CONFERENCE WITH LEGAL COUNSEL**

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Existing Litigation:
G.C. 54956.9(a)

Name of Case: Rowland v. City of Auburn Placer County Superior Court Case No. SVC 20296

REPORT OUT OF CLOSED SESSION

- (1) No reportable action

City Attorney Michael Colantuono advised that “the Council gave director to the negotiator, but did not take an action which requires a report at this time.”

- (2) Council Member Holmes, Presiding Officer Pro-tem, announced that “the City Council in Closed Session approved the terms which resulted from the mediation of the lawsuit entitled Rowland v. City of Auburn, Placer County Superior Court Case No. SVC 20296, and authorized the City Manager to sign the term sheet subject to the understanding stated in Section 3 of the Resolution.”

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Council Member Holmes requested the postponement of Items 13 and 14 dealing with eminent domain. He stated that since the Council is missing a member for the evening, and the item was of significant importance, he felt all Council Member should be present for a vote. All Council Members in attendance agreed.

By **MOTION** postpone Items 13 and 14 until the July 9, 2007 Council Session.

MOTION: Holmes/Hanley/Approved 4:0 (Absent Nesbitt)

CONSENT CALENDAR

1. **Minutes**

By **MOTION** approve City Council Minutes of May 14, 2007.

2. **United Auburn Indian Community of the Auburn Rancheria Wastewater Service Agreement**

By **RESOLUTION 07-70** approve the Wastewater Service Agreement with the United Auburn Indian Community of the Auburn Rancheria.

3. **Disposal of Surplus City Property**

By **RESOLUTION 07-71** declare the attached list of vehicles, “Exhibit A,” to be surplus property. Further, the City Council of the City of Auburn hereby approves the contractual agreement attached as “Exhibit B” between the City and Bar None Auctioneer, who agrees to assist the City

in the removal and auctioning of surplus vehicles, and will be compensated on a percentage basis for doing so.

4. **Grant Agreement with the CCHE for Restoration of the Cooper Amphitheater, Auburn School Park Preserve Project**

By **RESOLUTION 07-72** approve the Grant Agreement between the City of Auburn and California Cultural and Historical Endowment (CCHE) under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Costal Protection Act of 2002, and authorize the Public Works Director to execute all documents pertaining to the grant on behalf of the City of Auburn for the purpose of the restoration project of the Cooper Amphitheater at the Auburn School Park Preserve Project.

5. **Chamber of Commerce Request for Economic Development Commission Funds for the Auburn Family 4th of July**

By **RESOLUTION 07-73** approve the request from the Auburn Chamber of Commerce for \$3,155.00 in Economic Development Commission Funding in support of the Auburn Family 4th of July event.

6. **United Auburn Indian Community Mayoral AdHoc Committee**

Removed from Consent Calendar by Mayor Snyder.

***** End of Consent Calendar *****

By **MOTION** approve the Consent Calendar Items 1 through 5. **MOTION: Hanley/Holmes/ Approved 4:0 (Absent Nesbitt)**

6. **United Auburn Indian Community Mayoral AdHoc Committee**

City Manager Richardson stated that the Mayor, Council Member Nesbitt and himself met with representatives of the Tribe and talked about a number of issues of mutual concern. During the meeting the Tribe suggested having an on-going dialogue with the City on a quarterly basis. All present felt it would be an excellent idea. He said this item actually did not need an actual motion or Council action, but could be handled by the Mayor's notification to the Council as to whom will be appointed to the committee.

Council Member Holmes asked what the term of appointment will be. City Attorney Colantuono advised that if the goal is simply an informal dialogue, rather than a formal committee subject to the Brown Act, the Mayor can invite people to consult with him periodically about matters of concern. Council Member Holmes stated that it would probably be a good

way to proceed. Council Member Hanley thanked the Mayor for opening the dialogue with the Indian Community.

7. **Public Comment**

Dan Sokol, 1330 Deerwood Place, Auburn, questioned the choice of consultants from areas outside of Auburn. He felt those individual/groups do not have appreciation of the Auburn community. He asked if staff has the opportunity to review the draft reports prior to final discussion

City Manager Richardson advised that staff is involved throughout the entire process. He stated that when consultants are utilized from outside the community, specific technical expertise is sought.

PUBLIC HEARING

8. **Old Town Business Improvement Area: Levy of Assessment for Fiscal Year 2007-2008**

City Manager Richardson introduced the item. He explained that annually the Old Town and Downtown Districts request City assistance in collecting their annual assessments. He stated that there are several steps in the process and the Public Hearing is the final action to establish the levy for the coming year.

City Attorney Colantuono advised that a single resolution was prepared to cover both Item 8 and Item 9.

Council Member Holmes stated that reports are received from the Old Town and Downtown Business Associations, and that he was somewhat disappointed in the Old Town Business Association's report. He felt it should have been more detailed, specifically indicating how business other than retail benefit from the assessment.

Ross Carpenter, Representative of the Old Town Business Association, 123 and 127 Sacramento Street, stated that the report does identify the monies and how they will be used. He explained expenditures and the declining revenues from the street fairs.

Motion included with Item 9.

9. **Downtown Business Improvement Area: Levy of Assessment for Fiscal Year 2007-2008**

City Manager Richardson stated that Mr. Harvey Roper of the Downtown Business Association was present to answer Council questions. No questions were asked.

By **RESOLUTION 07-74** levy assessment on all businesses within the Parking and Business Area of the Old Town and Downtown Business Improvement District for fiscal year 2007-2008. **MOTION: Hanley/Holmes/Approved 4:0 (Absent Nesbitt)**

10. **Two-Year Rate Increases for Solid Waste Collection 2007/08-2008/09 Auburn Placer Disposal Service** .

Public Works Director Jack Warren asked for a postponement of the item based on discussion with the City Manager until July 23, 2007.

Council Member Hanley asked if the City Council has the discretion to approve the cost of living increase based examination by the Public Works Department or "is it just ministerial?" Director Warren stated that it is ministerial based on an accepted number and the contract provides for a two-year extension.

Item postponed without objection; no action was taken.

REPORTS

11. **City Council Committee Reports**

Council Member Powers reported on the weekend Western States 100 Mile Endurance Run. She said it was a very successful event, and the Endurance Capital of the World Committee's booth had many visitors.

Mayor Snyder stated that the sign project the Council approved months ago has commenced. The foundation has been poured and the steel work will be erected in about two weeks.

COUNCIL BUSINESS

12. **Auburn Outdoor Art Mural Project**

Arts Commission Chair Louise Burda Gilbert introduced Patrick Shields, Art Mural Project artist.

Patrick Shields stated he attended meetings wherein he received a broad overview of the intended project. The theme was the history of the horse in Auburn. Mr. Shields said that he started with an image of the spirit of a horse and worked through it, refining it to a final point where it is now.

Ms. Gilbert stated that they were also trying to tie the theme to the Endurance Capital of the World. The art work was then presented to the Council and the audience.

Council Members expressed appreciation to the Arts Commission and complimented the artist on his excellent work.

By **MOTION** approve the design project proposed by Patrick Shields of DaVinci Designs for the Auburn Outdoor Art Mural Project on the Elks Club wall on Highway 80, and authorize the City Manager to obtain the appropriate encroachment permits from Caltrans. **MOTION: Powers/Hanley/Approved 4:0 (Absent Nesbitt)**

13. **Eminent Domain Program for Auburn Redevelopment Project Amendment Area**

Postponed to July 9, 2007.

14. **Eminent Domain Program for Auburn Redevelopment Project (Original Project Area)**

Postponed to July 9, 2007.

15. **Sewer Ordinance Amendment and Sewer Rate Increase – 2nd Reading**

Public Works Director Warren introduced the item. He explained that at the last meeting the Council approved a rate increase. Mr. Warren said that the second reading of the ordinance puts that decision into effect. He explained that the Council had asked him to come back to the Council with a connection fee. He then explained how the initial fee in the rate study and what was proposed differed. He asked for the adoption of an interim uniform connection fee to go into effect by July 1, 2007, which will last for 30 days. Mr. Warren then stated it will then be brought back to the Council with alternate proposals for connection fees only.

Council questions and discussion followed.

- A. Introduce for a second reading and by **ORDINANCE 07-06** amend Title V, Chapter 52 to the Auburn Municipal Code relating to sewer service, and establishing sewer service charges and sewer connection charges and repealing Ordinance No. 07-06-U.
MOTION: Holmes/Hanley/Approved 4:0 (Absent Nesbitt)

B. Hold a Public Hearing on the adoption of interim sewer connection charges. The Council conducted the hearing, but no member of the public wished to speak.

C. By **RESOLUTION 07-75** impose sewer interim sewer connection charges, effective July 1, 2007. **MOTION: Hanley/Holmes/**
Approved 4:0 (Absent Nesbitt)

16. **Operating, Debt Service and Capital Project Budgets for Fiscal Year 2007-08**

Administrative Services/Finance Director Andy Heath presented the proposed Operating Budget. He explained the preparation process, the city-wide budget as a whole, the General Fund Budget, and significant developments in the city-wide budget.

Council Member Hanley asked for the total percentage increase in personnel costs in the General Fund expenditures. Mr. Heath advised of the percentages for Local 39, management, police and fire personnel; all combined equates to about a seven percent increase in total personnel cost. Discussion followed.

Council Member Holmes asked under what circumstances the City would have to use anything from the Reserve Fund. Mr. Heath explained that first the un-obligated fund balance would be utilized. Then, if an extreme circumstance arose, such a decrease in state allotted monies or sale tax revenues, the Reserve Fund could be utilized.

Council member Powers asked Mr. Heath how the Airport achieved "operating in the black." Mr. Heath advised that the Airport Manager has been able to control his expenditures quite well this year. Ms. Powers also asked about the purchase of new vehicles. Mr. Heath explained that there will be replacement vehicle for the Police Department and also a scheduled replacement for a Public Works engineering vehicle.

Mayor Snyder questioned the Cable TV Franchise, income from building rentals in town and at the airport. He also discussed the increase in the City Council expenses with Mr. Heath and Council Member Hanley, who participated in the Administration Committee meeting to review the budget.

Council Member Hanley questioned whether the \$1500 for the League of California Cities training should be included in the budget. He stated that since projects are being postponed, possibly the monies allotted for the League should be postponed as well. Mayor Snyder suggested that it be

left in the budget, but brought to Council before it is actually expended. Council Members Hanley, Powers and Holmes stated their agreement.

Mayor Snyder questioned the increase in the Community Development budget. Mr. Heath explained that there is a General Plan Update for its housing portion that includes \$50,000. Mayor Snyder stated that there will be no contingencies this year and, therefore, there is no latitude for adjustments.

Don Sokol, 1330 Deerwood Place, Auburn, stated that the budget reflects a deficit, approximately 2 ½% of the General Fund. He said the City cannot depend on development. He said that he realized a lot of work went into the budget preparation, but that he could not agree with all of it. He opposed the decrease to the Fire Department with an increase to the Police Department. He further commented on the budgets of Community Development, including building, Information Technology, Public Works, City Manager and Community Projects. He stated the amount allotted to the Arts Commission and Economic Development Commission (EDC), even though they are carry-over funds, should be decreased to reduce the deficit.

City Manager Richardson advised that the Arts Commission has been saving money over the years to fund upcoming projects. He advised that EDC has turned its focus to redevelopment issues. Mr. Richardson advised that the City is trying to get away from the Federal Government's "use it or lose it" policy. Mayor Snyder said he understood Mr. Sokol's point that the additional monies reflected, not to be spent at the current time, produce a budget deficit.

Mr. Sokol also reminded Council that there is no accounting for the stolen vehicle tax and the fingerprinting tax, passed by Placer County. Mr. Heath stated that he was not aware of Auburn receiving any revenues from these revenue measures.

Police Chief Valerie Harris stated that the vehicle license fees will most likely fund the start up costs and vehicle first response, equipment, etc. cost for the Stolen Vehicle Task Force. The Highway Patrol is designating a Sergeant to run the unit and Roseville and Placer County will each provide a staff member. She said the City of Auburn is not committed to that this year and, therefore, reimbursement is not applicable. She advised that the other portion of the fees is potentially designated for live scan equipment for agencies that do not have that technology.

Richard Sanborn, Auburn resident, asked for a copy of the budget. City Manager Richardson advised that the City Clerk's Office will provide copies. Mr. Sanborn asked that documents be made available to the

public at least ten days prior to a Council meeting. Mr. Sanborn also inquired about the proposed sidewalks on Maidu Drive and advised Council of the danger of not having them in place. He also suggested the lift stations be paid for by the developers and maintenance paid for by the Home Owners Associations. Mr. Snyder advised that the developers do pay for the lift stations.

- A. By **RESOLUTION 07-76** adopt revenue estimates and expenditure appropriations for all City Funds for fiscal year 2007-08 as summarized in the Fiscal Year 2007-08 Proposed Budget. **MOTION: Holmes/Hanley/Approved 4:0 (Absent Nesbitt)**
- B. By **RESOLUTION 07-77** establish a General Fund “cash reserve” in the amount of \$4,046,104. **MOTION: Holmes/Powers/Approved 4:0 (Absent Nesbitt)**

ADJOURNMENT

Mayor Snyder adjourned the meeting, without objection, to the meeting of the Auburn Urban Development Authority.

Robert Snyder, Mayor

Joseph G. R. Labrie, City Clerk

Minutes transcribed by Anne M. Cooley, Deputy City Clerk